

# IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_

PRESENT: Supervisors

ABSENT:

**RESOLUTION NO. \_\_\_\_\_**

## **RESOLUTION VACATING A PORTION OF WHITBY STREET BY SUMMARY VACATION IN CAMBRIA, SUPERVISORIAL DISTRICT NO. 2**

The following resolution is now offered and read:

**WHEREAS**, Whitby Street, Cambria was created by Map of Cambria Pines Manor Unit No. 2, recorded at Record Map Book 05, Page 10, in the official records of the County of San Luis Obispo; and

**WHEREAS**, the portion of Whitby Street as described in Attachment "A" (hereafter, the "Subject Area") is not identified in the County Maintained Road System; and

**WHEREAS**, this vacation is made pursuant to California Streets and Highways Code Section 8333 (a), the Subject Areas have not been used for the purpose for which they had been dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

**WHEREAS**, the Subject Areas are unnecessary for present or prospective public use and the County Director of Public Works has recommended abandonment by Summary Vacation; and

**WHEREAS**, the Planning Commission considered the proposed vacation and reported on November 12, 2015, that said vacation is in conformity with the General Plan; and

**WHEREAS**, Section 21084 of the California Environmental Quality Act (CEQA) specifies that certain classes of projects do not have a significant effect on the environment, and Section 15301(c) of the State CEQA guidelines provides that the minor alteration of existing public highways and streets is exempt from the requirements of CEQA where no unusual environmental circumstances exist, and

**WHEREAS**, it is in the public interest that the Subject Areas be vacated.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares and determines as follows:

1. That the recitals set forth above are true and correct.
2. That this Board finds, from all of the evidence submitted, that the Subject Areas, more particularly described in Attachment "A" attached hereto and made a part hereof, are unnecessary for present or prospective public use.
3. That this Board has determined, pursuant to Streets and Highways Code, Section 892, that the Subject Areas are not useful as a non-motorized transportation facility, as defined in Streets and Highways Code Section 887.
4. That it be and hereby is ordered that said Subject Areas, in Cambria, and more particularly described in Attachment "A" attached hereto and made a part hereof, are vacated.
5. That in support of this Board's decision to summarily vacate said Subject Areas, this Board makes the following findings:
  - a. The Subject Areas have not been used for the purpose for which they had been dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
  - b. Vacation of Subject Areas will not impair public or private access.
  - c. Vacation of Subject Areas will not affect existing traffic circulation.
  - d. This vacation is in the public interest.
6. That prior to adopting this resolution, this Board considered the General Plan and the recommendation of the Planning Director that said vacation of the Subject Areas, is in conformity with the General Plan.
7. That the road vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of the State CEQA Guidelines because the action consists of a minor alteration of an implied public easement where no unusual environmental circumstances exist.
8. That the County Clerk of the County of San Luis Obispo be and hereby is ordered and directed to record a certified copy of this resolution, attested by the Clerk under seal, in the Office of the County Recorder of the County of San Luis Obispo, State of California.
9. That upon such recordation, the vacation is complete.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: November 24, 2015

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STATE OF CALIFORNIA, }  
County of San Luis Obispo, } ss.

I, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

By \_\_\_\_\_  
Deputy Clerk.

## ATTACHMENT A

### Legal Description

All of **Whitby Street** between Blocks 29 and 33 as shown on the "Map of Cambria Pines Manor Unit No. 2" filed in Book 5 of Maps at Page 10 in the Recorder's Office of the County of San Luis Obispo, State of California, being more particularly described as follows:

Bounded on the southwest by the northeasterly line of Langton Street (County Road No. 5045) said northeasterly line being projected between the westerly most corner of Lot 63 of said Block 29 and the southerly most corner of Lot 17 of said Block 33 as shown on said map and bounded on the northeast by the southwesterly line of Romney Drive (County Road No. 5047) said southwesterly line being projected between the northerly most corner of Lot 1 of said Block 29 and the most easterly corner of Lot 16 of said Block 33 as shown on said map.

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*Douglas A. Rion*  
*11/18/2015*

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code for the benefit of Pacific Gas and Electric Company, the permanent easement and the right at any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair, renew and enlarge lines of pipes, conduits, cables, wires, poles, electrical conductors, and other equipment, fixtures and appurtenances for the operation of electric, gas, and communication facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; keep the property free from inflammable materials; and prevent any building or structure near said facilities.

AND RESERVING, unto Charter Communications Company, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing cable television facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon, and over the road herewith vacated;